

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KELLY BERNSTEIN,

Plaintiff,

v.

OORAH, INC. d/b/a The Zone Camp,
Defendant.
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ORDER

20 CV 8097 (VB)

On August 4, 2020, plaintiff commenced this action in Supreme Court, Rockland County, and on October 1, 2020, defendant removed the case pursuant to 28 U.S.C. §§ 1441(a) and 1446, and Rule 20 of the Local Rules for the Division of Business Among District Judges. See 28 U.S.C. § 1441(a) (noting “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant . . . to the district court of the United States for the district and division embracing the place where such action is pending.”).

“[T]he removal statute, and not the ordinary federal venue statute, [28 U.S.C. § 1391], governs venue in removed cases.” PT United Can Co. v. Crown Cork & Seal Co., 138 F.3d 65, 72 (2d Cir. 1998). However, a removed case may be transferred to a more convenient district court forum under 28 U.S.C. § 1404. Id.

Pursuant to 28 U.S.C. § 1404(a), “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented.”

According to the complaint, it appears the events giving rise to plaintiff’s claims occurred in Schoharie County, New York, within the Northern District of New York. Thus, it appears the Northern District may be a more appropriate venue for this action.

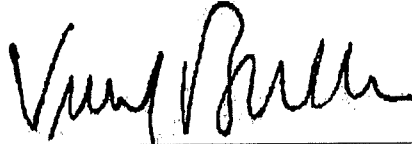
Accordingly, it is HEREBY ORDERED:

By October 16, 2020, the parties, either jointly or separately, shall notify the Court in writing whether venue is proper in this District, and whether the case should be transferred to the Northern District of New York pursuant to Section 1404(a).

By October 5, 2020, defense counsel shall email a copy of this Order to plaintiff's counsel and file proof of same on the ECF docket.

Dated: October 2, 2020
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge